In the Supreme Court of the United States

OCTOBER TERM, 1934

No. 247

CENTRAL VERMONT TRANSPORTATION COMPANY, petitioner

v.

HARRY N. DURNING, COLLECTOR OF CUSTOMS, PORT OF New York

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE RESPONDENT

The decision of the court below involves the interpretation of Section 27 of the Merchant Marine Act of June 5, 1920, c. 250, 41 Stat. 988, 999 (U.S.C., Title 46, Sec. 883), which section has never been construed by this Court. It appears that the question involved is of considerable importance, not only to the petitioner but to shippers in the territory which it serves. We understand, also, that at least one other railroad company is in the same position as the petitioner with respect to Section 27, *supra.*

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While we regard the decision of the court below as correct, we believe that the question is of sufficient importance to call for an authoritative decision on the part of this Court. Consequently, we do not oppose the granting of the writ.

Respectfully submitted.

J. CRAWFORD BIGGS,
Solicitor General.

AUGUST 1934.

U. S. GOVERNMENT PRINTING OFFICE: 1934